

Version of Amended Claims With Markings to Show Changes Made:

4. (Twice Amended) An isolated nucleic acid molecule consisting of a nucleotide sequence selected from the group consisting of:

(a) a transcript/cDNA [nucleotide] sequence that encodes a protein comprising the amino acid sequence of SEQ ID NO:2;

(b) a nucleotide sequence consisting of SEQ ID NO:1;

(c) a nucleotide sequence consisting of SEQ ID NO:3; and

(d) a nucleotide sequence that is completely complementary to a nucleotide sequence of (a)-(c).

REMARKS

Applicants have studied the Office Action mailed March 20, 2003 and have made amendments to the claims. It is respectfully submitted that the application, as amended, is in condition for allowance. Reconsideration and allowance of the pending claims in view of the above amendments and following remarks is respectfully requested.

Claims 13 and 24:

Applicants respectfully reiterate that, should the product claims be found allowable, Applicants respectfully request that the Examiner consider rejoining claims 13 and 24, as per the procedure under MPEP 821.04.

Rejection under 35 USC §102:

The Examiner rejected claims 4, 8, 9, and 27-29 under 35 USC §102(b) as being anticipated by Guru *et al.* (*Genome Research* (1997) 7:725-735). Guru teaches Bac clone 137c7, deposited in Genbank as Accession No. AC000134, which comprises a genomic sequence which encodes a protein comprising the sequence of SEQ ID NO:2. The Examiner asserts that the sequence disclosed by Guru falls within the scope of claim 4.

Applicants have hereby amended claim 4(a), as indicated above, to clarify that the isolated nucleic acid molecule of claim 4(a) consists of a transcript/cDNA sequence that encodes a protein comprising the amino acid sequence of SEQ ID NO:2. The genomic sequence of Guru is clearly outside the scope of claim 4 as amended. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection under 35 USC §102.

Serial No. 09/805,455

Conclusions

Claim 4 has been amended by the present response. Claims 4, 8-9, 13, and 24-29 remain pending, and claims 4, 8-9, and 25-29 are presently under consideration by the Examiner.

The amendment to claim 4 adds no new subject matter and its entry is respectfully requested.

Claims 25 and 26 are allowed, as indicated in the Office Actions mailed March 20, 2003 and February 20, 2003.

In view of the above amendments and remarks, Applicants respectfully submit that the application and claims are in condition for allowance, and request that the Examiner reconsider and withdraw the rejection. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is invited to call the undersigned agent at (240) 453-3812 should the Examiner believe a telephone interview would advance prosecution of the application.

Respectfully submitted,

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